

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PREMERA BLUE CROSS,

Plaintiff,

v.

MARY WINZ, TRACIE LESAN, JOYCE  
ARLENE NELSON (f/k/a JOYCE ARLENE  
LESAN),

Defendants.

NO. CV17-00695-BAT

**ANSWER TO COMPLAINT**

COME NOW Defendants Mary Winz and Tracie Lesan, by and through their counsel of record, Hans P. Juhl of RYAN, SWANSON & CLEVELAND, PLLC and Answer Plaintiff's Complaint for Interpleader and Declaratory Relief as follows:

**PARTIES**

1. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 1 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

2. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 2 of Plaintiff's Complaint for Interpleader and Declaratory Relief.



1           3. Defendants Mary Winz and Tracie Lesan deny the allegations set forth in  
2 Paragraph 3 of Plaintiff's Complaint for Interpleader and Declaratory Relief. Defendant Mary  
3 Winz is a resident of Salt Lake County, UT.

4           4. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
5 Paragraph 4 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

6           5. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
7 Paragraph 5 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

8                                   **JURISDICTION AND VENUE**

9           6. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
10 Paragraph 6 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

11           7. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
12 Paragraph 7 of Plaintiff's Complaint for Interpleader and Declaratory Relief, except to the  
13 extent that it is alleged that Mary Winz is a resident of Washington. Defendants admit diversity  
14 of citizenship for the purposes of the Court's subject matter jurisdiction.

15           8. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
16 Paragraph 8 of Plaintiff's Complaint for Interpleader and Declaratory Relief, except to the  
17 extent that it is alleged that Mary Winz is a resident of Washington. Defendants admit their  
18 claims to the PEP and 401(k) Plan arose from activities directed toward Washington, for the  
19 purposes of the Court's personal jurisdiction.

20           9. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
21 Paragraph 9 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

**FACTUAL BACKGROUND**

10. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 10 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

11. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 11 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

12. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 12 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

13. Defendants Mary Winz and Tracie Lesan are without sufficient knowledge to admit or deny the allegations set forth in Paragraph 13 of Plaintiff's Complaint for Interpleader and Declaratory Relief and therefore deny the same.

14. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 14 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

15. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 15 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

16. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 16 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

17. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 17 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

18. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 18 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

19. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in Paragraph 19 of Plaintiff's Complaint for Interpleader and Declaratory Relief.





1           20. Defendants Mary Winz and Tracie Lesan are without sufficient knowledge to  
2 admit or deny the allegations set forth in Paragraph 20 of Plaintiff's Complaint for Interpleader  
3 and Declaratory Relief and therefore deny the same.

4           21. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
5 Paragraph 21 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

6           22. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
7 Paragraph 22 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

8           23. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
9 Paragraph 23 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

10          24. Defendants Mary Winz and Tracie Lesan are without sufficient knowledge to  
11 admit or deny the allegations set forth in Paragraph 24 of Plaintiff's Complaint for Interpleader  
12 and Declaratory Relief and therefore deny the same.

13          25. Defendants Mary Winz and Tracie Lesan deny the allegations set forth in  
14 Paragraph 25 of Plaintiff's Complaint for Interpleader and Declaratory Relief to the extent that  
15 it is alleged that Joyce Nelson may have a claim to any funds at issue herein that she has not  
16 already received.

17          26. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
18 Paragraph 26 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

19          27. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
20 Paragraph 27 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

21          28. Defendants Mary Winz and Tracie Lesan deny the allegations set forth in  
22 Paragraph 28 of Plaintiff's Complaint for Interpleader and Declaratory Relief to the extent that  
23



1 it assumes that Joyce Nelson has a claim to any funds at issue herein that she has not already  
2 received.

3 **COUNT I: INTERPLEADER**

4 29. To the extent that Defendants Mary Winz and Tracie Lesan have previously  
5 admitted or denied paragraphs 1-28, in response to the allegations set forth in Paragraph 29 of  
6 Plaintiff's Complaint for Interpleader and Declaratory Relief, they are so admitted or denied  
7 again.

8 30. Defendants Mary Winz and Tracie Lesan deny the allegations set forth in  
9 Paragraph 30 of Plaintiff's Complaint for Interpleader and Declaratory Relief to the extent that  
10 it assumes that Joyce Nelson has a claim to any funds at issue herein that she has not already  
11 received.

12 31. Paragraph 31 of Plaintiff's Complaint for Interpleader and Declaratory Relief is  
13 a request for relief to which no response is required.

14 **COUNT II: DECLARATORY JUDGMENT**

15 32. To the extent that Defendants Mary Winz and Tracie Lesan have previously  
16 admitted or denied paragraphs 1-31, in response to the allegations set forth in Paragraph 32 of  
17 Plaintiff's Complaint for Interpleader and Declaratory Relief, they are so admitted or denied  
18 again.

19 33. Defendants Mary Winz and Tracie Lesan deny the allegations set forth in  
20 Paragraph 33 of Plaintiff's Complaint for Interpleader and Declaratory Relief to the extent that  
21 it assumes that Joyce Nelson has a claim to any funds at issue herein that she has not already  
22 received.  
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1 34. Defendants Mary Winz and Tracie Lesan admit the allegations set forth in  
2 Paragraph 34 of Plaintiff's Complaint for Interpleader and Declaratory Relief.

3 35. Paragraph 35 of Plaintiff's Complaint for Interpleader and Declaratory Relief is  
4 a request for relief to which no response is required.

5 **AFFIRMATIVE DEFENSES RELATIVE TO CO DEFENDANT**

6 36. The competing claims made by Defendants' co-defendant, Joyce Nelson are  
7 without merit, subject to collateral estoppel, waiver and preempted by federal law.

8 **REQUESTS FOR RELIEF**

9 37. Defendants Mary Winz and Tracie Lesan request that the Court enter judgment  
10 declaring the interplead funds to be distributed pursuant to the beneficiary requests in effect  
11 upon the death of Gerald Lesan.

12 38. Defendants Mary Winz and Tracie Lesan request that the Court enter judgment  
13 against Joyce Nelson in the amount of the fees and costs incurred herein on the basis of any  
14 applicable contract, statute, or ground in law or equity.

15 DATED this 26th day of July, 2017.

16  
17 By   
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